

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SHALEA OLIVER	:	
	:	
v.	:	CIVIL ACTION NO. 19-891
	:	<i>Judge McHugh</i>
SERVICE EMPLOYEES	:	
INTERNATIONAL UNION	:	
LOCAL 668, ET AL.	:	

MOTION FOR SUMMARY JUDGMENT AND PRAYER FOR RELIEF

Plaintiff Shalea Oliver hereby moves this Court for Summary Judgment on both counts of the Complaint, pursuant to Federal Rule of Civil Procedure 56, and submit a memorandum of law in support of the motion.

WHEREFORE, Plaintiff requests that the Court enter summary judgment in its favor and against the Defendants and provide Plaintiff the following relief:

A. A declaratory judgment stating that signing a union card prior to the *Janus* decision cannot provide a basis for affirmative consent because such authorization was based on the unconstitutional choice between paying the union as a member or paying the union as a non-member.

B. A declaratory judgment stating that 43 P.S. § 1101.301(18); 1101.401; and 1101.705 violate the First Amendment rights to free speech and freedom of association because they allow the withholding of union dues without affirmative consent.

C. A declaratory judgment stating that the practice of withholding union dues from Plaintiff's paychecks is unconstitutional because Plaintiff did not provide affirmative consent.

D. An award of monetary damages against the Union for all union dues collected from Plaintiff without her affirmative consent.

E. A declaratory judgment stating that government employees have a constitutional right not to be represented by unions as their exclusive representative without their affirmative consent.

F. A declaratory judgment stating that 43 P.S. §§ 1101.604-606 constitute an unconstitutional violation of the First Amendment rights to free speech and freedom of association by requiring unions to serve as the exclusive representative of government employees for bargaining purposes.

G. Award Plaintiff her costs and attorneys' fees under 42 U.S.C. § 1988.

Dated: August 23, 2019

Respectfully Submitted,
/s/ Jeffrey M. Schwab
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CERTIFICATE OF SERVICE

This document has been filed electronically using the ECF system and is available for viewing and downloading from the ECF system. All parties are represented by counsel registered on ECF, and all counsel were served by the automatic notices generated upon filing.

Dated: August 23, 2019

Respectfully Submitted,

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